



Customer No. 26308

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Sinko, John

Group No.: 1742

Serial No.: 10/784,541

Examiner: Lois L. Zheng

Filed: 23 February 2004

For: Corrosion Inhibitor Composition Applicable for Aluminum and Steel Protection and Procedure

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**SUBMISSION TO NOTIFICATION
OF NON-COMPLIANT APPEAL BRIEF
(PATENT APPLICATION 37 CFR 192)**

1. Applicant responds to the Notice of Non-Compliant Appeal Brief mailed on 14 July 2009.

NOTE: "THE APPELLANT SHALL, WITHIN 2 MONTHS FROM THE DATE OF THE NOTICE OF APPEAL UNDER S 1.191 IN AN APPLICATION, REISSUE APPLICATION, OR PATENT UNDER REEXAMINATION, OR WITHIN THE TIME ALLOWED FOR RESPONSE TO THE ACTION APPEALED FROM, IF SUCH TIME IS LATER, FILE A BRIEF IN TRIPLICATE." 37 CFR 1.192(A) [EMPHASIS ADDED].

2. STATUS OF APPLICANT

This application is on behalf of
☐ other than a small entity
☒ small entity

3. Applicant is

☐ a small entity
☒ other than a small entity.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail with sufficient postage, in an envelope addressed as follows: Mail Stop Appeal Brief - Patents, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Date 23 July 2009

Angela D. Raasch
[Signature of Person Mailing Paper]

Angela D. Raasch
[Typed Name of Person Mailing Paper]

4. EXTENSION OF TERM

NOTE: THE TIME PERIODS SET FORTH IN 37 CFR 1.192(A) ARE SUBJECT TO THE PROVISION OF S 1.136 FOR PATENT APPLICATIONS. 37 CFR 1.191(D). ALSO SEE NOTICE OF NOVEMBER 5, 1985 (1060 O.G. 27).

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

(complete (a) or (b) as applicable)

- (a) ☐ Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)(1) - (a)(5)) for the total number of months checked below:

Extension (months)	Fee for other than <u>Small Entity</u>	Fee for <u>Small Entity</u>
<input type="checkbox"/> one month	\$ 130.00	\$ 65.00
<input type="checkbox"/> two months	\$ 490.00	\$ 245.00
<input type="checkbox"/> three months	\$1110.00	\$ 555.00
<input type="checkbox"/> four months	\$1730.00	\$ 865.00
<input type="checkbox"/> five months	\$2350.00	\$1175.00

Fee \$_____

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for _____ months has already been secured and the fee paid therefor of \$ is deducted from the total fee due for the total months of extension now requested.
Extension fee due with this request _____.

or

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

5. TOTAL FEE DUE

The total fee due is:

Appeal brief fee \$_____.

Extension fee (if any) \$_____.

TOTAL FEE DUE \$ 0.00.

6. FEE PAYMENT

☐ Attached is a check in the sum of \$_____.

☐ Charge Account No. _____ the sum of \$_____.

7. FEE DEFICIENCY

NOTE: IF THERE IS A FEE DEFICIENCY AND THERE IS NO AUTHORIZATION TO CHARGE AN ACCOUNT, ADDITIONAL FEES ARE NECESSARY TO COVER THE ADDITIONAL TIME CONSUMED IN MAKING UP THE ORIGINAL DEFICIENCY. IF THE MAXIMUM, SIX-MONTH PERIOD HAS EXPIRED BEFORE THE DEFICIENCY IS NOTED AND CORRECTED, THE APPLICATION IS HELD ABANDONED. IN THOSE INSTANCES WHERE AUTHORIZATION TO CHARGE IS INCLUDED, PROCESSING DELAYS ARE ENCOUNTERED IN RETURNING THE PAPERS TO THE PTO FINANCE BRANCH IN ORDER TO APPLY THESE CHARGES PRIOR TO ACTION ON THE CASES. AUTHORIZATION TO CHANGE THE DEPOSIT ACCOUNT FOR ANY FEE DEFICIENCY SHOULD BE CHECKED. SEE THE NOTICE OF APRIL 7, 1986, 1065 O.G. 31-33.

☒ If any additional extension and/or fee is required, this is a request therefor and to charge Account No. 06-2360.

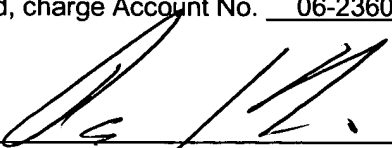
AND/OR

☐ If any additional fee for claims is required, charge Account No. 06-2360.

Reg. No.: 55,185

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SIGNATURE OF ATTORNEY
Patrick J. Fleis

TYPE OR PRINT NAME OF ATTORNEY
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Customer No.: 26308

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John Sinko

Docket No.: 1406.17406-PROV FOR CIP

Serial No.: 10/784,541

Examiner: Lois L. Zheng

Filed: 23 February 2004

Group Art Unit: 1742

Title: Corrosion Inhibitor Composition Applicable for Aluminum and Steel Protection and Procedure

**SUBSTITUTE SECTION (iii) OF THE PREVIOUSLY FILED APPEAL BRIEF
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

In response to the Notification of Non-Compliant Appeal Brief mailed on 14 July 2009, Appellant submits the amended section (iii.), status of the claims:

(iii.) STATUS OF CLAIMS

Claims 1-11, 13-16, and 27-36 remain in the application. Claims 1-11 are currently pending, and claims 13-16 and 27-36 are currently withdrawn. Claims 17-26 have been cancelled. Claims 1-11 are presented as rejected in the Office Action of 3 September 2008, and are the subject of this appeal.

Applicant believes the above amended section (iii) is now in compliance with 37 C.F.R. § 41.37(c)(1)(iii) and requests that the appeal brief be forwarded to the Appeal Board.

Respectfully Submitted,

By:


Patrick J. Flejs, Reg. No. 55,185

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23 July 2009
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Enclosures: Amendment Transmittal
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